



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan

Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Planning Staff
DATE: May 28, 2013
SUBJECT: 20 Hawley Street; Series A Site Plan / Special Use Permit Review
TAX ID #: 160.49-1-22
CASE: 2013-22
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), File

A. REVIEW REQUESTED

Hawley Street Members, LLC has submitted an application for review of a proposed project to construct two 5-story additions above existing “annex buildings” located near the southeast and southwest corners of the property known as 20 Hawley Street, in the C-2 Downtown Business District.

The existing use of the site is considered a mixed-use development, consisting primarily of residential units occupying the 2nd-9th floors of the primary structure (80 units/253 bedrooms) and portions of the 1st floor and annex buildings (11 units/39 bedrooms) and the remainder of the ground floor reserved for commercial occupancy.

Each proposed addition would add 45,000 gross square feet of residential space (four dwelling units per floor), for a total of 90,000 gross square feet, to accommodate 40 new units containing 180 bedrooms. The proposed project requires Series A Site Plan and Special Use Permit approval for new construction of a Structure with Dwelling Units Containing More Than 4 Bedrooms.

Additionally, the applicant has requested a modification of minimum off-street parking requirement from the Planning Commission as permitted by §410-48 (B), which allows a waiver of up to 20% of the total off-street parking requirement.

B. ADDITIONAL REVIEWS

Zoning Board of Appeals

The applicant has submitted an application to the ZBA for an area variance for Minimum Off-Street Parking; a public hearing before the ZBA will be held on June 4, 2013 meeting.

In the C-2 District, off-street parking requirements do not apply to uses proposed within existing structures where no opportunity to provide parking exists, however projects involving new construction or expansion

must meet the requirement. The newly-constructed additions will contain 40 dwelling units, requiring provision of a minimum of 93 off-street parking spaces (40 x 2.33).

The sub-surface parking area located at the subject site, containing 174 parking spaces, was factored into the 2010 and 2011 Series A Site Plan & SUP approvals issued by Planning Commission for the existing mixed-use development, with no excess spaces, and therefore cannot be used to meet the off-street parking requirement for this project. AWRE, Inc., therefore, has applied for an area variance for minimum off-street parking from the Zoning Board of Appeals.

	Proposed	Required	Variance Requested
Minimum Off-Street Parking Spaces (Total: Existing & Proposed Dwelling Units and all Commercial Areas (~10,000 sf))	174 off-street parking spaces	295* off-street parking spaces	121* off-street parking spaces
*Planning Commission is authorized to waive up to 20% of any off-street parking requirement. If granted, the total requirement for the site would be 236 spaces, and a requested variance for 62 spaces.			

Planning Staff has recommend approval of the requested area variance, with a condition: that a bicycle storage room, containing no less than 20 spaces, be installed in an easily accessible area on the ground floor of one of the subject structures.

239 L&M Review (Broome County Department of Planning & Economic Development, BMTS, NYSDOT)

- The proposed project is within 500 feet of a state road and a Broome County-owned facility, and is therefore subject to 239 distribution and comment by Broome County Department of Economic Development & Planning.

Waterfront Advisory Committee

- The proposed project is located within the boundaries of the Local Waterfront Revitalization Project (LWRP) and therefore requires review by the Waterfront Advisory Committee (WAC).

C. SITE REVIEW

The property known as 20 Hawley Street is a rectangular-shaped parcel containing approximately 1.72 acres of land. It is bound by Hawley Street to the north, State Street to the east, Stuart Street to the south, and Washington Street to the west. The site is improved by a nine-story structure, 2 one-story “annex buildings,” and a landscaped plaza in the center of the property. Prior to the existing mixed-use occupation, the existing structures had been utilized for a variety of uses, including a bank and various office occupancies.

The subject site offers 174 parking spaces in a sub-surface garage for tenant use, and is located in close proximity to many on-street metered parking spaces. Public transportation serves the site in the form of 2 bus services, Broome County Transportation and Off Campus College Transport, Inc. OCC Transport is a free shuttle for Binghamton University students to its Vestal campus that operates during the academic year (2 stops an hour, Monday thru Friday (7:00am-1:00am) and hourly service on weekends) from the University Downtown Center located ~150 feet from the subject property. B.C. Transit stops for 6 bus routes are located within close proximity to the site. Bicycle racks accommodating 54 bicycle parking spaces are located outside 3 access points to the primary structure, and 18 bicycle parking spaces are offered with the sub-surface garage.

Land use in the vicinity of 20 Hawley Street is primarily mixed-use, multi-story structures and public buildings. The Broome County Veterans Memorial Arena is located to the south of the site, a commercial plaza containing a Holiday Inn hotel is located to the west, and Government Plaza to the east. The Collier Street Public Parking Garage occupies the northeast corner of State Street and Hawley Street, the Bache Building (professional offices) occupies the northwest corner. The Binghamton University Downtown Center (UDC) is located southwest of the subject property on Washington Street.

D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

20 Hawley Street: On August 2, 2010, the Planning Commission granted SUP/Series-A Site Plan approval for a mixed-use project involving the conversion of existing primary structure's (former Marine Midland Bank) 2nd-9th floors to residential units (55 units/210 bedrooms) to multi-unit dwelling, with the 1st floor and two on-site annex buildings reserved for commercial use.

20 Hawley Street: On May 2, 2011, the Planning Commission granted SUP/Series A Site Plan Modification approval for modifications to a previously approved (August 2, 2010) mixed-use project in the C-2 District, to convert the 2nd-9th floors of the primary structure to 80 units/253 bedrooms, and convert portions of the 1st floor and annex buildings to residential units (11 units/39 bedrooms), on the following conditions:

1. That the applicant shall install intervening landscaping along the frontages of the 1st floor residential units on the east and west perimeters of the primary structure, between the building and the bicycle racks indicated on the updated site plan dated 04.21.2011. The planting type & amount shall be determined in consultation with the Shade Tree Commission.
2. That the applicant shall install plantings (where appropriate) along the southern fence line.
3. That the applicant shall relocate or remove the '20 Hawley Street' sign box from the northeast corner of the parcel.
4. That the applicant shall submit to Planning Staff a revised site plan and landscaping plan incorporating the recommendations of the Shade Tree Commission.

20 Hawley Street: On June 1, 2012, Series A Site Plan Review Exception approval was granted for a use of Restaurant, Take-Out/Carry-Out for Brewed Awakenings Café within a ~2,000 SF 1st floor tenant space.

15 Hawley Street: On June 12, 2012, Series A Site Plan Review Exception approval was granted for a use of Restaurant and Tavern for Zona Restaurant, with a condition:

That the applicant shall incorporate and abide by the following recommendations of the Commission on Architecture and Urban Design (CAUD) prior to issue of any Certificate of Occupancy:

1. That any modifications to plans, and/or any future signage or lighting be approved by CAUD prior any such work being done;
2. That the existing trees be retained as part of the project;
3. That the existing square planter bed be either removed or rehabbed;
4. That the appropriate steps are taken to ensure that drainage under the patio deck is handled effectively;

5. That tables and chairs be selected which are aesthetically appropriate for the character of the area; these might include black metal furniture pieces and not plastic or wicker furniture; and
6. That either commercial grade aluminum or powder-coated steel be used for the fencing; black in color.
7. That a revised site plan be submitted to Planning Staff indicating all conditions and listing all conditions as notes on the plan.

E. COMPREHENSIVE PLAN & INITIATIVES IDENTIFIED FOR SUBJECT AREA

The Comprehensive Plan, adopted in 2003, identifies the subject site as located within the Downtown/Intown District. The plan for development within this district includes an Action Step that downtown buildings should “be required to include a mix of uses, with people generating activities at the ground level (e.g. stores, restaurants) and upper levels to include office and residential units. Creating this mix will provide greater potential for both day and evening activities downtown.”

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II
 - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

G. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 for approval of a Special Use Permit must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.

8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

H. STAFF FINDINGS

Planning Staff recommends that the proposal be **Approved, With Conditions**, based on the following findings:

The requirements of Section 410-47 for a Series A Site Plan Review nor the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

The proposed additions would complement the existing character of the neighborhood, which is a dense downtown district with many multi-story, mixed-use, zero-lot-line structures.

The close proximity of a public parking garage and ample access to public transportation, as well as the availability of on-site parking spaces, meets the transportation demand of the proposed project.

With the inclusion of all suggested conditions of approval (listed below in Section G.), particularly the removal of the proposed residential use encroachment into ground floor area previously reserved for commercial use, the proposed project would result in optimal utilization of land in the downtown core, in a manner consistent with development standards identified in the most recent Comprehensive Plan. The project would allow further realization of important goals of population density and street-level vibrancy in the city's downtown district.

I. SUGGESTED CONDITIONS

If the Planning Commission decides to grant approvals to this project, Staff recommends that the following conditions of approval be included:

1. That a streetscape improvement area be installed within the currently underutilized plaza located in the northwest corner of the subject parcel (to include, for example, in-ground planters containing landscaping elements, seating, waste receptacles and public art). The size of this area should be appropriate for the scale of the adjacent buildings and the proposed residential density of the development. (Attached photos of the plaza illustrate the available 'envelope' within which these installations can be located while maintaining wide pedestrian pathways on either side of it);
2. That all exterior dumpsters be of uniform type, collocated in an adequately screened location and accessed for pickup at one location (current access via two separate curb cuts at State Street and at Stuart Street should be consolidated to one access point via Stuart Street);

3. That the curb cut near the southwest corner of the parcel (formerly a bank drive-through) be removed and the area be restored/"filled in" to match adjacent grade with typical sidewalk, curb and apron, extending south until the point of ingress to the sub-surface parking area. A landscaped buffer strip should be installed along the length of the trash enclosure area.

Permanent physical elements to meet the needs of the now-permanent use of the space (trash enclosure serving the entire facility, generator storage and an adjacent pedestrian right of way) should be installed, to improve the more-temporary existing conditions occupying the vacated drive-through. Improvement of the trash collection facility and pedestrian accessibility are particularly important as demand on each would increase with the proposed increase of tenants.

4. That the Stuart Street frontage be improved to adequately accommodate east-west pedestrian traffic. Existing curb ramps through the former drive-through are not optimally located to facilitate accessibility through the sidewalk path (they are located too far north and frequently are blocked entirely by parked vehicles and dumpsters). This area be restored/"filled in" to match adjacent grade with typical sidewalk, curb and apron.
5. That the percentage of the ground floor area reserved for commercial uses independent of the Multi-Unit Dwelling residential use under the 2011 Site Plan Modification approval (approx. 10,000 sf in 4 tenant spaces) should not be allowed/further reduced.

Non-commercial use of certain areas of the ground floor were approved under the 2011 plan in specific areas found to create the least impact (within the 'courtyard-facing' half of each of the annex buildings and the primary building, with a lobby & amenity area extending through the center of the primary structure), however the boundaries set for commercial tenant space under that approval were done so purposefully to retain the appropriate commercial use liner for Downtown Binghamton with as few interruptions as possible.

The proposed encroachments into the floor area reserved for commercial development under the approved site plan would essentially render it a single-use, Multi-Unit Dwelling, rather than a truly Mixed-Use Development. A mixed set of ground floor commercial uses serve a mixed group of users with varied schedules to create the desired activity for the urban core district, rather than accommodate a single dominant user group with very similar daily schedules for a more limited portion of the year. The submitted proposal for the ground floor is inconsistent with development goals for the Downtown District as outlined in the adopted 2003 Comprehensive Plan and should not be included in an approval of the proposed additions.

I. ENCLOSURES

Enclosed is a copy of the submitted site plan, floor plans and elevations, an application and site photographs.

Prepared by:

Patrick C. Day
Planner

Enclosures